

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Chapter VIII, Rule 32(2) (b)
Description of case

W.P. No. 218 (M/B) 2004

Date of decision: 31st August 2004

For the approval of:

Hon'ble Chief Justice V.S. Sirpurkar, C.J..

Hon'ble Mr. Justice Irshad Hussain, J.

- Whether the order/judgment should be sent to the reporters for reporting? ()
- Whether the reporter be allowed to see the judgment? (Yes)

.A.

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 218 (M/B) of 2002

Dr. C. B. Prasad

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Petitioner

Versus

The Executive Engineer,
Construction Divis, P.W.D.,
Ranikhet and others

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Respondents

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Sri B.S. Adhikari, Advocate, learned counsel for the petitioner.
Mr. N.C. Gupta, Standing Counsel, learned counsel for the State.

Coram: Hon. V.S.Sirpurkar, C.J.
Hon. Irshad Hussain, J.

Dated: August 31, 2004

[Per Hon'ble the Chief Justice]

1. Heard learned counsel for the parties.
2. An order was passed in this writ petition on 21.05.2002 that within three weeks from the passing of the order, the petitioner shall settle the dispute with the respondents outside the Court. This was probably because a recovery was ordered from the petitioner of approximately Rs. 25,000/- on account of his not vacating the Government quarter, even though he was transferred from Ranikhet to Haldwani. The say of the petitioner was that he was not provided any residential accommodation at Haldwani and, therefore, he was required to retain the Government quarter at Ranikhet.
3. The case of the Government was that whether he gets accommodation at Haldwani or not, there was no question of his retaining the residential quarter. The Government, therefore, seems to have charged house-rent, electricity and water charges and some penal interest. The Government's further case is that the petitioner was continuously staying in that Government quarter, and has not paid water charges even of earlier petition w.e.f. 1992 to 1998. Seeing that some adjustments could be made, the Division Bench of this Court had passed the order on 21.05.2002, which we have referred in earlier part of our order.

4. It is now reported by Mr. N.C.Gupta, learned Standing Counsel for the Government of Uttaranchal, that till today the petitioner has not contacted any of the authorities, much less the Executive Engineer, and has not gone to the District Magistrate, who was to look into the matter. Learned Counsel is prepared to go on record to suggest that three weeks time was allowed to the petitioner by the order passed on 21.05.2002, but the petitioner thereafter never bothered. The learned counsel further points out the petitioner has not been permanently sent over to the Uttar Pradesh after reorganization of this State. When we specifically asked Mr. Adhikari, learned counsel for the petitioner, he says that he is not in a position even to locate or find out correct address of his client and that his best efforts have failed in that behalf. It is quite unfortunate that the petitioner should have kept no contact with his counsel, nor should have left his address where he was transferred from the State of Uttaranchal to the State of U.P. Under such circumstances, we do not find any merit in the writ petition.

5. Writ petition is dismissed.

(Irshad Hussain, J.) (V.S.Sirpurkar, C.J.)
31.8.2004 31.8.2004

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